

Fay Lewis.
Gift.

Address of Clarence Darrow

IN THE TRIAL OF

ARTHUR PERSON

IN
ROCKFORD, ILLINOIS
April 24th, 1920

DEFENCE COMMITTEE
COMMUNIST LABOR PARTY
OF ILLINOIS

from Fay Lewis.

8071 Labadie Collect
Fay Lewis, Rockford, Ill.

6740.

Address of Clarence Darrow

In the Trial of

ARTHUR PERSON

In Rockford, Ill.

April 24th, 1920

Defense Committee

Communist Labor Party of Illinois

Arthur Person, a workingman in Rockford, Ill., was indicted under the recent act of the Illinois Legislature making it a crime to aid or assist or join a society which advocated the change or overthrow of Government by violence, etc. The case turned on the question of whether the platform and program of the Communist Labor Party advocated the overthrow of Government by force and whether the defendant knew this at the time he became a member. The jury returned a verdict of not guilty.

If the Court please, gentlemen of the jury, I trust all of you know by this time what this case is about, and what has been proven here, upon which you are asked to take away the liberty of this defendant. If you have solved that problem, you have done more than the State's Attorney has done, and certainly more than the Assistant State's Attorney has done. I fancy, gentlemen, that twelve jurors here in Rockford will not take away Person's liberty unless they know just what they are doing, and why they are doing it. Not from anything outside, but from what you have before you, and this you will not do until you can lay your finger upon the exact thing that makes him guilty, for while it may not be a very serious matter to you, it is a serious matter to him, and possibly it is a serious matter to the State's Attorney.

Before I proceed with my argument in this case I want to call your attention to some things Brother Large has said. When I heard him I was quite certain that he, at least did not know why this defendant was on trial. It seemed to me to be a peculiarly trifling appeal to you gentlemen to stir up prejudice in your minds. He was engaged in the common occupa-

tion of seeing red. These men are guilty because the platform is printed on red-paper. Of course, it might not suit my friend's taste in color. I presume if he exercise his taste in colors, he would have the sun rise painted black, to improve on the works of the Lord, he would have our blood white, not red, I don't know whether this paper is red or not, I thought it was the sporting edition of the Chicago papers when I saw it. That is about the only sheet I read, because I know that part is true. It generally reports the baseball scores accurately anyhow, whatever else it does with the news of the day. A red paper, gentlemen. Send him to jail because somebody printed a paper in red! Well, I wouldn't object so much if he sent to jail everybody who printed papers in red, or perhaps in any other color, but so far, the law has not made it an offense to print a newspaper in red. I don't know exactly what we are coming to, but we haven't reached that point yet.

And then this card which the poor ordinary members of the Communist Labor Party, the working people, used to register their small dues from month to month. This is red, a red card. Well, we might have this painted, too, if it doesn't suit the State's Attorney. We might have it painted black, but I fancy that would not help us. It wouldn't make any difference what the color was. I noticed the red in the flag. I noticed the red surrounding all these stars (indicating Service Stars in the Court Room) that adorned the wall, and for which I fancy I have really more respect than the State's Attorney, because I am engaged in the difficult task of trying to preserve the Constitution instead of destroying it, and am seeking to save for the people of this country such liberties as they have left. I would like to see the flag stand for what it has stood, and I propose to do my part to have it stand for freedom. I don't object to red, and yet I can see some other color once in awhile. I don't object to it. The historic meaning of red, when applied to all progressive movements, is the color of the common blood which courses through the veins of all men alike, whether born here or born somewhere else. The trouble with the officers in this case, is that they would like to change the common blood until there would be no red blooded men in America; no red blooded men who would dare stand up in America. That's the trouble with it. I don't object to the color of the sun rise, or the sunset. These colors are matters of taste. I insist, gentlemen, that every word that has been said upon that subject, is said to create some prejudice in the minds of you twelve men who are passing on the liberties of a fellow citizen, so that you may get beyond the meagre evidence in this case and convict on passion and prejudice and ignorance and hate, nothing else. It isn't worthy of the function of the State's Attorney whose office should be to protect every citizen, even

the humblest and see that nothing of prejudice, or feeling, or hatred reaches the brains and the hearts of the twelve men who stand between every human being in America and the prison that might otherwise close upon him.

And yet, gentlemen, half that the State's Attorney told you was in regard to a red card, a red newspaper, and a red color, which has no place in a court of justice, where men are trying to find out in honesty, in sincerity, with patience and without prejudice whether a defendant has violated the law. I object to some other things. What is this man on trial for anyhow? Can you tell? Can anybody tell from the argument of the Assistant State's Attorney? He has taken this platform, harmless and innocent as it is, and picked out words here and there, and placed his own meaning on those words. Meanings that would make Webster turn over in his grave if he heard them. The Court I fancy will tell you that this platform is to be judged in its entirety, not by picking out words here and there; and what are these words he picked out? I want to tell you right at the outset what some of them are and what is their meaning. Why, he says, it has the word "revolution". And that a revolution means blood. Yes, it may or it may not. There isn't a dictionary that has ever been published that says any such thing. There have been all kinds of revolutions since the world began, some bloody and some bloodless. The word "revolution" is used in connection with everything, a religious revolution, a serious change of religious thought, any important change whether with force or without force is revolution. We have our political revolutions, over and over again. It is a common statement used by common men, and used by all the statesmen in the world. A political revolution, an overwhelming defeat of one party and the success of another. Every man who has studied the A, B, C's of industrial questions has read of industrial revolutions that came about by the inventions of machinery; that came about by the invention of the cotton gin by Whitney, when it made cotton the king of the United States, that came about by the discovery of the power of steam and the building of railroads. It is a common phrase which every common man understands. There are intellectual revolutions, religious revolutions, political revolutions, industrial revolutions, forcible revolutions, all sorts of revolutions, and counsel for the People I am sure knows it, and yet, because that word is found in the Manifesto, which this man did not write, he would tell you to send him to jail. All right, gentlemen, you will have to do it, if it is done. If you can afford to do it, I can, and I fancy he can.

"Conquest" is another one. When did conquest have a meaning of force and violence? It is a common word. It is a common word used in reference to all sorts of things. "Conquest," simply means pursuit and conquering. There are

conquests of love, conquests of power, conquests of money, conquests of the Holy Grail, whatever that was. "Conquest," going after something, and yet, gentlemen, because somebody wrote "conquest" in the platform you are to send a man to the penitentiary. It might satisfy the conscience of the State's Attorney, but I fancy it will not satisfy the consciences of twelve men who are to decide the case from the facts. "Capture," ah. "Capture," he says you must send him to jail because the word "capture" is in this Manifesto. Well, gentlemen, I don't presume that you twelve men are the wisest men who ever sat on a jury; we lawyers are generally in the habit of telling twelve men that they are, but I fancy you are not. I fancy you are just the ordinary run of men in the City of Rockford. None of us are too wise, but I fancy there isn't a man on this jury who doesn't know that this word has been used in every sort of connection ever since the English language was formed. "Capture". Did you ever hear of capturing primaries, capturing a convention, capturing a party, capturing anything and everything gentlemen. The only safe way when you want to write something, is to call in the State's Attorney and call in these Government sleuths who have been turning America into a madhouse with spying, and who are living upon the honest labor of the people of the United States, call them in and ask them to write the platform, and God knows what it would mean after they got through with it. That isn't their line of business. There isn't a word, however good, however sacred, however well known, that they wouldn't distort into some meaning that Webster never heard of, and that no other man ever heard of. "Capture," ah, yes, "capture." Well, if the working men can capture the Government, why not? I might have to go to work myself, but I am not going to stand in their way. Why not? There are more of them than of any other class, and if they can capture it, why shouldn't they? Are you going to send an obscure working man to jail because he wanted to? I wish there were more of them wanted to, even with the danger of having to go to work. "Capture"? Capture a political organization or a primary, or anything else? It would be silly, gentlemen, if they weren't urging these things to take away the liberty of a citizen. It would be silly and trifling, and I can scarcely think but I am in a dream when I see that America, which has always been supposed to be free, and which I believe we can keep free in spite of State's Attorneys, is engaged in this sacreligious work. But I have some faith in that institution which, after all, has done the most to safeguard human freedom of any institution the world has known, and that is a jury. He says the defendant should go to jail because the platform says "civilization has collapsed." Well, that is a simple statement of fact. It may be true and it may not, but I remember very well reading the book of the great

banker, Vanderlip, when he came back from Europe and spoke of the collapse of civilization all over Europe. I know that in the financial circles, and amongst political economists and men who think, men are pondering today over the question of whether this terrible war which we have just passed through, and the unfortunate greed of men, will bring about a collapse of the civilization of the world.

It may collapse and it may not, but let me say a word to these people who believe that the only way to save what they have is by the use of the hangman and the jailer. If we can save civilization, it is because we stand in their way. If we can save civilization it is because we bar their path against hanging and sending to jail every man who dares to lift his voice and protest against the manifold wrongs and outrages that are everywhere present in the civilization in which we live.

If you want to get rid of every Socialist, of every Communist, of every trade unionist, of every agitator, there is one way to do it, and there is only one way to do it, and that is to cure the ills of society. You can't do it by building jails, you can't make jails big enough or penalties hard enough to cure discontent by strangling it to death. No revolution is possible, no great discontent is possible, unless down below it all is some underlying cause for this discontent; men are naturally obedient, too almighty obedient. They are naturally lazy. They are willing to go along. They don't like to resist, and it takes the gravest discontent and the bitterest cause before this can come. "Collapse of civilization." Why, everybody is talking of it outside of the State's Attorney's office in Rockford. It may come. It may not come. I trust it will not. But let me say this, that those who are trying to send men to jail for their opinions are the ones who are hastening a collapse of civilization, and we must save them from themselves.

"Dictate". Well, what about "dictate"? Everybody dictates to everybody else when they can. How many times have you been dictated to? How many times have you dictated to others? We are all alike. Yet, gentlemen, a man is to be taken from his little home and sent to prison because somebody wrote the word "dictate" in a platform. "Dictate"?

And "overthrown"! Ah, "overthrown." Now we have it. Did any of you ever see that word before? Outside of a red sheet, "overthrown." Well, that is about as harmless a word as you can find. It doesn't happen often enough, that is the only trouble with it. We overthrow one political party and another one conquers power. We overthrow one religion another takes its place. We overthrow one set of scientific ideas and another set of scientific ideas come in. We overthrow one boss, and of course we get another one. That is, the way we are all made. "Overthrow." Well now, what do

you know about "overthrow"? Are we going to send a man to jail because a platform used the term "overthrow"? That is, throw over.

Well, gentlemen, my friend here lives in Rockford. He ought to know you better than I do. Perhaps he does, but I don't think he does, gentlemen. You can not know anybody or anything when you are seeing red. When you take leave of your senses, through fear or through something else, then your judgment is gone and I don't believe you can pick up twelve men anywhere on the face of the earth who would pay any attention to anything that has been proven in this case, especially these things that the State's Attorney has dwelt on, and the only things that he has dwelt on in this case.

"Mass action." Ah, now we have it, "mass action." Well now, gentlemen, what is "mass action?" Well we know what action is (it is a wonder he didn't make two words out of that and say that action is enough, or "mass" is enough). Just as well have two as one. "Mass action?" Why, it means the people acting together, that's all. "Mass action," that is what every politician is trying to do. That is why General Wood is cavorting up and down the land,—to get the people in "mass action" for him, for President. It is what our wonderful Attorney General,—who has done all in his power to subvert the Constitution of the United States,—is doing, when he thinks he is running for President, trying to get "mass action," and finding the "mass action" all on the other side. And that is what everybody does, to get the people together for a purpose, and that is all they do; and that is all the word ever meant, or ever could mean. "Mass action" as applied to this platform means that the workmen shall come together, act together, for they can accomplish nothing in any other way. Don't you think the other fellows have "mass action?" Well, don't bet on it. Don't fool yourselves on that. They know what "mass action" means, and because they do a party is organized that asks the poor, common working people to unite in "mass action" to do what the rich have done for themselves, then the State's Attorney says, "to jail with them," "to jail with them."

Well, those are the words, gentlemen, upon which the Assistant State's Attorney spent most of his time, and those are the things in this Manifesto upon which you are to act to deprive a citizen of his liberty and do your part to strike a deadly blow at the Constitution of the United States. Those are the words. What does the State's Attorney think of a jury, and what does he think of a people that at the behest of a few, who perhaps are the most powerful in the Union would deprive a man of his freedom, because he does just what every other human being in the world is trying to do; tries to get enough of his fellow men to see things as he sees them, that he may change laws and institutions so that workers will

have a better chance. Now, Person may be wild and crazy, I don't know, I am not here to try another man's views, I am not here for that, and neither are you. It may be that there isn't a single plank in that platform that I believe, and there may not be a single article of faith in the Lutheran Creed that I believe, or in the Catholic Creed or any other creed ever made by man; but, gentlemen, unless I will stand for the right of every man on earth to accept his own religious faith, and his own political creed, and his own ideas, whether I believe in them or not, unless I will do that, I am a very poor American, in the ancient meaning of the word. I would be a very poor citizen, and I would belong to that class of bigots who in almost every age have piled the faggots around their fellow men and burned them to cinders because of a difference of faith.

Gentlemen, if I had believed that one man on this jury would destroy their fellows because he disbelieved and disagreed with him in political or religious thought, he would not be sitting here today. I have not sought to get on this jury Socialists or Communists. Perhaps I couldn't have done it. I sought to bring to this jury men who were broad and free and liberal; who were willing to examine facts for themselves; who formed their own opinions and who believed those opinions, but who would stand just as firmly for my right to form my opinions as they would for their own; and that is all I ask of you, gentlemen, nothing else. I don't care whether you are Socialists or Communists or Republicans or Democrats. I want you to be men; men who are willing to live in this world and let others live. No two brains are alike, no two men have the same human emotions, no two men have the same surroundings. It is idle and silly and crude to seek to make every man's brain and ideas conform with the brains and ideas of some one else. On many of these questions I have positive opinions, but if I had the power, I would not use that power to compel any human being to think as I think upon any question of religion or politics or life. That is between you and your God.

What else is said about this platform? Gentlemen, it is hard for me to be patient with this case. Either a considerable mass of the world is crazy, or I am. Perhaps I am. It is hard for me to realize what people in America are doing today. It is hard for me to realize that men of power and some intellect, will seek to terrorize men and women into obedience to their opinions. Let me tell you another thing Mr. Large said. I don't mean to criticize Mr. Large, he did the best he could, and I really wondered how he could do so well, but he took up this red paper, red paper gentlemen, and he says: "Ah, this refers to the Third International." "Gentlemen, do you know where it was made?" "it was made in Moscow, and Moscow is a foreign city, and the idea that we

should follow Moscow or get anything from Moscow." Well, now, Brother Large, you could get a lot from Moscow that would make you a better and a bigger man, and what I say of you I say of myself. We can get a lot from anywhere that would make us bigger and broader and better if we would only have sense enough to get it. Moscow is a foreign city, yes, it is. So is Stockholm, so is London, so is Dublin,—foreign cities, away with them. The idea of an American taking anything from foreign lands! Judea was a foreign town, a little one, too, and a dirty one, way off in Asia Minor, among the heathens, a foreign town. "The idea that an American citizen would get anything from a foreign city," and yet, gentlemen, all the Christians pretend to take their religion from Judea,—mind I don't say they take it, they just say they do.

Gentlemen, let me say seriously, it isn't fair. Mr. Large knows better than that. His name indicates that he is bigger than that. Pretty much all we have in America we have taken from other countries. That is all that is worth while. That doesn't mean we are the poorest, but that we are the newest. Take away the contributions of Greece, and of Rome, and of Asia, and of Europe, and we would be very, very poor indeed, we wouldn't even have a State's Attorney. The wise man and the decent man gets information wherever he can get it, doesn't he? Suppose you take away from the mass of knowledge of the United States all the contributions which have been made by Sweden, (and I don't say that because there are some Swedish citizens on the jury, but because you might know better than Brother Large and myself what Sweden has given to the world), or take away the deep inspiration for human liberty that has been ever present in the soil of Ireland? Well, I don't want to take it away anyhow. I wish there was more of it. Mr. Large might take it away, I would not. I would get more, I would keep all that is good and search the world to find out all that is good that others have, and with patience and tolerance and broad mindedness, I would try to build up a civilization in America where every man should be free.

Gentlemen, I say in all kindness to my friends on the other side, that all this talk is made to prejudice your minds so that you may get somebody into prison when there isn't a scrap of evidence to put him there. That's what it is for, nothing else. And it would be a shame and disgrace to this jury if by your verdict he should go. The shame and disgrace would rest with you twelve men who would do it.

Now, let me say a word about Russia. Gentlemen, I am not afraid to express my opinions. They may be right and they may be wrong. The State's Attorney asked you if you were Bolshevik, or if you knew anything about Bolshevism I wonder if he does. I wonder if he knows what the word means? I wonder if he knows anything about it, except a few

cheap sensational newspaper stories? I wonder? I do not pretend to know much about it. Five or ten years from now when the clouds have lifted from that great land, and the world can see what has happened to that great people in the bitter throes of the war and the revolution, then perhaps we can judge; but let me say this, gentlemen, I, for one, am glad that the Czar was overthrown. I don't know what my friend thinks about it. I don't know whether he stands with the Czar or stands with the new regime, which with the most serious and sorest difficulties that ever came to any people is trying to work out the everlasting problem of self government for themselves. I am against the old and I am for the new. It is trying the greatest experiment the world has ever tried, and I say "God speed them." I am sorry for the Russian Princess that the newspapers have exploited whose diamonds were lost, and whose lands were taken by the people, and who is obliged to go to work, or else come to America to beg. I am sorry for her, but I cannot forget the manifold crimes of the past. I cannot forget the prison hells of Siberia, I cannot forget that long line of martyrs, who for hundreds of years have marched almost bare footed across the snows of Russia, and the snows of Siberia to live and die in a prison tomb. I cannot forget the dark reign of the Czars of Russia, and I cannot forget that they strangled freedom of thought and freedom of speech, and that amongst those victims, were the greatest and the best that ever adorned the Russian land. I cannot forget it, and I would be untrue to the humanity in which I believe, I would be untrue to a human heart if I did not say that I am glad the past is gone forever and that a new light is breaking in the east. I don't care whether Russia loves red or blue or black. I am glad that the reign of the Czar is over, and I am willing to go further, and the State's Attorney can make the most of it—I would never let an American boy fight against the hope and the inspiration of the new born Russia which has destroyed the last vestige of the tyranny that held Russia in her icy grasp for hundreds of years. Russia! Is there a man on this jury that doesn't wish her well? Is there a man on this jury that doesn't look hopefully to what she may do in the future? I can't tell the throes that she is going through, I can't tell the deep sorrow of her people. I am sorry for them. I am sorry for every human being who ever lived to suffer in a weary world, but I know that nature in a mysterious way works out the good of the human race in what sometimes seems a pitiless way. I know that it comes through everlasting pain and suffering, through the bitter throes of men, and it is not for me with such vision as I have and such feeling as I have to stand in the way of the progress of the human race. And if a man tells me, even though I think I am abler and wiser than he, if he tells me that he has a vision of something better for men or better for

America, or better for the race, and that he can see it clearly, I say, "May Good speed you in your vision." There is too little faith in the world at that. There is too little hope in the world. There are too few men who would dare the condemnation of their fellow men. There are too few who will brave the scaffold and the dungeon. There is too little faith that moves men onward to something higher and something better in the world, than it has known. I am for them, even if I disbelieve in their creed. Way out in what to me is utter darkness, they may see a light that my poor eyes are too weak to behold.

Again, let me say, gentlemen, if you are going to convict Person, which you are not, what are you going to do it on? Are you going to convict him because my friend sees red? Are you going to convict him for these feeble, contemptible grabs at words that are tortured and twisted out of their ordinary meaning to get somebody into jail? I might be perhaps excused for the sake of saving my client into torturing and twisting a word, but to torture and to twist for the sake of putting a man in jail, oh well, all right, I will leave it to you.

So far I have been referring to my friend's talk. Let us see what this case is. Here is Arthur Person. Sitting over here in this chair, waiting for you twelve men to say whether he is a criminal or not. And what is their case? Why. I am not at all ashamed of my client. I fancy he is just as good a man as any of you twelve. I fancy he is. I fancy he is as good a man as the State's Attorney. I haven't any doubt about it. Have you? He may not be as wise as the State's Attorney. The State's Attorney was studying law while he was beveling glass. That gives him an advantage on the intellectual side, because he is a lawyer.

Here is a red charter. Of course, when Brother Large showed it to you, he turned it upside down, but he has been doing that ever since he began. I don't know whether it makes any difference whether it is upside down. He thinks there is too much red in it. Well, that is a matter of taste, too. Here is a man with overalls on (indicating a picture on charter of Communist Labor Party). And we will all have to be wearing them pretty soon if we keep after the Communists and leave the profiteers alone). Here is a man with a scythe and working clothes on. When mass action gives these men the power, Mr. Johnson, maybe you and I will have to wear overalls and he will be wearing broadcloth. But what of it, if he does? I don't know that I have any better right than some one else. This world at its best is a sad mix up where everyone is trying to get all he can. I don't know that love of humanity is a part of the make-up of the captains of industry. I don't know of any reason why I should object if the working man tries to get more than he has. Of course, I can get

along all right as it is. I fancy if the Communist notion of property should come into vogue in America here, and all the tools of production and distribution, the lands and the mines and the factories were owned by people in common, I fancy I wouldn't get as much as I am getting now. I can play this game and live, but I wouldn't stand in the way of people who believe the other way, even though I cannot get as much. I believe that since the world began the men who do the work have had much less than they should have, and I am glad to see an effort amongst the common people to get more and in trying to get it. I don't imagine they will all be wise. They haven't had a chance to be as wise as we lawyers are, and we disagree a whole lot. But I wouldn't want to take the hope and inspiration from them, because when you take that away a man is dead. I see nothing objectionable to this document, "Charter of the Communist Labor Party." Why shouldn't the Communist Labor Party have a charter? Why, the Odd Fellows have, the Masons, I fancy have, I know the Elks have, the Moose I think have; all the trade unions have, and I don't know why the Communist Labor Party shouldn't have, and why a man should be sent to jail because he has. Brother Large says, "Imagine a Democrat having a charter." Well, he would deserve one if he was a Democrat here in Rockford anyhow, but why shouldn't he have one? I can see no reason why he shouldn't have it. But it is a crime here to have a charter. Am I overstating it? Wasn't this waved to you and argued as evidence against this defendant, that the Communist Labor Party had a charter, and chartered its various organizations throughout the United States? There isn't a labor union that doesn't have it. There isn't a fraternal organization that doesn't have it. Everybody has it that wants it, and again I say, these sleuths that are eating at the public cost while the rest of the people work, they ought to get together and say what we can have and what we cannot have. I wish some of those fellows were set to work, instead of making a bedlam of the United States. We might not have such heavy taxes to pay. They aren't intellectual men, noboddy ever heard of a sleuth having intellect. Spying at meetings, listening to what you say, working themselves in, it may be the Communist, it may be the Friends of Irish Freedom, it may be this or that, it may be anything, but, oily, sinuous, and crooked, they come in and try to lead you to jail, to hold their job.

Let us see what they did. Here is my client, Arthur Person, an inoffensive workingman. If any of you ever were in trouble, as you might be, while these sleuths are eating at the public crib; if any of you ever were in trouble, you would be very lucky, indeed, if you could get your neighbors and friends who had known you for twenty years, to say that you had been honest and square and peaceable and law abiding all

your life. You would feel better and you would appreciate it in the day of your tribulation if they would come in here and say that they had met you and slept under your roof, and known you for twenty years, and that they had never heard a man say a word against you. I don't know whether all of you jurors could do as well as Person or not. Maybe you could. Perhaps you could not. I fancy some of you have been so aggressive that you couldn't get that good a standing. Here is a man against whom the breath of suspicion was never raised in his life.

Gentlemen, it is almost a shame to be obliged to argue a case of this character. A man born in Sweden worked on a farm there until he was fifteen years old, had a little schooling in Sweden, not enough to be a lawyer or a banker, but enough to work. He came to Rockford more than twenty years ago. His life, his time, his blood and his muscle has been worked up to build the fortunes that are in Rockford today. He spent a life time knitting stockings and bevelling glass. And now they want you to send him to the penitentiary.

Gentlemen, if I thought that any jury would do it, I would say, "Well, all right, we had better get through with juries." It would be an infinitely deeper disgrace to this twelve men than it would be to him, and I would rather go with him to a cell at Joliet than to be free and have on my conscience that I had sent him there. Here is a man who never did anything in his life but work. Have all of these marvelous sleuths, who like buzzards are living on the American people, have all of them ever shown that he ever said one unkind thing? Is there one word in this record that he ever advocated force and violence from the beginning of his life until today when twelve men are to say whether he is innocent or guilty? Has he ever done an unkind thing or an illegal act, since he was born? He has worked, he has got for himself a little home, for which he is paying by the month, and a sick wife and three young children, and you are asked to take this working man, for nothing, gentlemen, for nothing, you are asked to take him away from his knitting machine and his home and send him to prison and are told that you mustn't think of the consequences. Oh, no. If you did, you couldn't do it. You mustn't think of what may become of his home or his sick wife, or his three little children who would be turned out on the street. Until jurors have an operation and their heart is removed, and a stone put in its place, you can never get a State's Attorney with ability enough to send a man like him to prison, in America. And I say again, gentlemen, that the responsibility is on you, and if you do it, all right, gentlemen, that is between you and your Maker.

Look at this picture. Something is wrong in Rockford. Somebody has given out the word that there is a dangerous person in Rockford, and four lusty men with Mr. Thompson

at their head, living on government alms, get into an automobile and go down to Person's little cottage. He is away knitting. His wife is there, and their three little children are there, and they swoop down on them and get a brown book, and there is considerable said about this brown book,—why, my friend doesn't even like brown (for God sake, I wish he would tell us what color he does like and we would try to please him the next time). A brown book which only records that they voted \$1.50 for a hall, or the expenses of a speaker, and they get a bill of \$6.00 and haven't money enough to pay it, and they vote to wait until the next meeting, and that is all there is in the brown book or the white book or any other book; and they swoop down on this dangerous citizen of Rockford who has spent his life knitting and bevelling glass; they get a brown book and a white book, a red paper, a red card, and that is all. They don't even get the Russian Communist Manifesto, whatever that is. And these four strong men, when the father of the children comes home, these four brave valiant great protectors of America (God save the mark), they take him in their automobile, probably the first automobile ride he ever had, and cart him off to the county jail. And for what? First, they linger in the States Attorney's office, and here is Brother Johnson and Brother Large, and Pinker, or Piker, or whatever it is, and Thompson and some more of them sitting around, and they ask him to tell the story of his life, and he does it. It is a short story and a simple one. The story of every working man's life is short and simple. Twenty years working in the factories in Rockford, five or six years working on farms in Sweden, voting the Socialist ticket. The only recreation he ever had, and they want you to take that away. And he tells the plain simple story as the plain uneducated man would tell it, and they take him over to the jail.

Well, now, gentlemen, that raid ought to go down in history. "The Charge of the Light Brigade" had nothing on the raid of Thompson and his bunch on Arthur Person's home. I remember when I was a boy at school and used to read in a little book a poem that I don't know whether I can recite or not. It runs something like this:

"Oh, were you ne'er a school boy, and did you ever train
And feel that swelling of the heart you ne'er shall feel again
Didst never meet far down the street with fife and banner gay
And hear the beating of the drum, calling far, far away

We charged upon a flock of geese and put them all to flight
Except one sturdy gander, who sought to show us fight.
But, oh, we knew a thing or two, our Captain wheeled the van,
We routed him, we scouted him nor lost a single man."

Now, our valiant captain in this wonderful raid was a

brave chap. Every last one of them, the four of them go away alive. I didn't hear of any bloodshed, but they went out and got this plotter in and he is here today.

Gentlemen, I don't know what malign and deadly influence can overhang a States Attorney's office that can bring in an indictment in a case like this. I cannot understand how one who has taken an oath to be the protector of every man alike should hale this poor weak defenseless man into a court of justice and ask that he be sent to the penitentiary by a jury of his peers, but he is here. There is nothing against him except what I have told you, and that is nothing. Let me repeat, gentlemen, if I ever get through talking and my friend has got to talk, too, if it ever comes across your mind, in the jury room, that you are going to accommodate the State's Attorney and others who are interested in this case, (which it wont), but if it should, I hope you will sit down in silence and ask yourselves the question, "What is Person here for anyhow?" In this case is there a single line of evidence against Arthur Person? Where is there a single line of evidence in this platform, (which he did not make) which he scarcely read, which he could not understand, if he did read it; and which I fancy the State's Attorney cannot understand either, or he wouldn't have brought him here. Where is there a single line in any of it that should warrant the taking of this man away from his home and even trying him? And what has he done?

Now let us see, how did he get into the Communist Labor Party anyhow? Why, Mr. Large says nobody would join a political party unless he understands its principles. Well, I don't know what party Mr. Large belongs to. Of course, if he belonged to mine, the Democratic party, I don't know how he could understand its principles, just now. And if he belongs to the Republican party, I am not certain whether it ever had any so you can take your choice. He wouldn't belong to a political party unless he understood its principles. Well, gentlemen, I fancy you people belong more or less to political parties. I wonder if you understand their principles entirely? Or know whether they have any? Or understand their platform or always read them or understand them when you do read them? Why I have made political speeches in my day, entirely good as political speeches run, and tried to get people to vote some fool ticket or another, and I don't know but what I got them once in a while. We don't know how the brain will act; we never know. Well, do you suppose, if I convinced somebody that he ought to go in with me and vote the Democratic ticket and save the country that he really understood the principles of the Democratic Party? Oh, no. He just thought he would come in. That is all, isn't it? Suppose you come down here when General Wood comes along or some other spellbinder, or Brother Johnson comes in and makes you a speech about the glorious achievements of the Republi-

can Party on land and sea and how we must all stand together which you probably will. Do you think you know the principles of the Republican Party, assuming that they have them? Or do you just get a notion you will go along with Brother Johnson or with Brother Wood or with me? That is the way political parties are made up and every one of you gentlemen know it. How many men can you call out to a political party gathering and ask them to define the principles of the party? I will tell you, if I could get together a body of men who could not understand the principles of a political party and have them vote my way and have on the other side all the fellows that could understand them, they wouldn't know they were running, would they? I would skin them before they ever started. I wonder if you gentlemen understand everything you believe? Well, I fancy you do not. It is trying to understand everything that raises the dickens with beliefs. Better not try so hard. Here are some of you who have told me you were Lutherans. Now I am getting on an unfamiliar subject because I don't pretend to be a Lutheran, I am neither for it nor against it. I am perfectly willing that everybody else in the world should be Lutherans if they want to and I am perfectly willing to have them convert me if they can, but I don't want them to send me to jail because I don't believe. Suppose I ask you if you can define all the Lutheran creed, what would you say? I think you would say "I can't." "I'll leave that to the preachers of religion, I'll leave that definition to somebody that is wiser than I and, I'll take it on faith." Wouldn't you? Now be honest with me, wouldn't you?

Here are some of you who are Catholics. I wouldn't like to put you under examination as to the meaning of everything that the Catholics profess. You couldn't tell me. You couldn't explain it. You take it on faith. You leave it to somebody that you think is wiser than you are and you take it. Isn't that true? Here is a gentleman who is a Presbyterian, or was before he left the old country. I wonder if he can explain all the points of John Calvin over which intellectual men have been quarreling for over 200 years. In the meantime the common people have been taking it on faith. Is there any doubt about it? Why pretty nearly everything we believe is believed on faith. Most of our acts are done on faith. You know it, gentleman. You know it perfectly well. I will guarantee there isn't one of you—and all of you are equally intellectual with my client—there isn't one of you who can go into a room and study for a week and say you can explain the platform of the Communist Labor Party or the Socialist Platform either. You might do well if you could explain such a simple thing as the Democratic platform.

Our religion and our politics and our everyday actions rest on faith. I wonder if one of your people, who are Lutherans or who are Catholics ever reached that faith by understand-

ing it? You know you did not; you were just born to it and that is all, or got converted somewhere. When I was a small boy I used to go to Revival Meetings, Methodists, and they would set a stove in the center of the room and it would get very hot and the preacher would talk, and there was a crowd, and by and by they would begin to sing and cry and get excited and we would all get converted. We didn't understand the principles of John Wesley. We didn't understand it, we heard the noise, we felt the enthusiasm, we were moved by mass psychology. (I ought not to state that "mass" business, while the detective is in the room, he might have me arrested). Mass psychology worked and we would go up to the mourner's bench. I don't need to tell you gentlemen, there isn't a man on this jury, there isn't one of you but knows there are lots of things in this world which you believe and which influence your daily life and perhaps influence you for all time, which you take on faith. Somebody else whom you think is wiser or better than you are or who has a better means of knowing, tells you about it and that is all there is of it.

Now, let us see how it applies in this case. Gentlemen, I don't expect a jury to be any different from the rest of us. Sometimes they are, but I never look for it. They are as wise and as foolish as the rest of us. They act from the same emotions and the same feelings as the rest of us. They are moved like the rest of us and when you go into your jury room you will act as you have always acted. You will consider things as you have always considered them and view life as you have always viewed it. Here are twelve men who have been knocking around the world for some time and whether you have intended to or not the world has knocked some ideas into you and some out of you and those ideas of life and experience you take to the jury room with you—and I want you to take them. I want you to consider my client's mind the way you consider your own and then if you condemn him, alright. Consider him just as you consider yourselves. Consider the things he acted upon just as you act yourself. That is all. And then if you gentlemen say on your conscience and your intelligence that you think you want to take him out and put him away, alright, go to it. The State's Attorney will be glad and he may get some more votes this fall. I can't tell you anything about that. Take life as you know it and as you are yourselves and judge him by that.

Now the facts in this case are entirely undisputed. How did Mr. Person join this party? Why? He joined it the same as anybody joins anything. Somebody asked him to. Now, mind you, gentlemen, there isn't a word of dispute on any of this. I put Mr. Person on the stand. You could see him, you could hear him, you could size him up as he is, just as he is, as strong as he is and weak as he is, as wise as he is and as ignorant as he is, and no man can work 20 years as a com-

mon laborer in the mills of Rockford and be any too wise. If he was he wouldn't be knitting stockings and bevelling glass so long.

Now, how did it happen? Why, he knew Dr. Olson,—and I am not going to condemn Dr. Olson, I fancy the poor fellow does the best he can like everybody else. I am going to leave him alone but just state the facts, that is all. Who is Dr. Olson? Dr. Olson had been a Socialist in Rockford for years, he had been given honors by the Socialists Party and by the people of Rockford. I think some of you people voted for him for Park Commissioner. The evidence is that he has been a Socialist for years and I think the evidence was that he held some office but that doesn't matter. He was a leader, and a physician. Just put yourselves in Person's place, that is all I want, and nothing else. He has followed Dr. Olson's lead on many a "political battlefield," (I was going to say "battlefield", but I was afraid I would be arrested so I put "political" in front of it. I wouldn't dare sing "Onward Christian Soldiers" for fear I would be arrested or "Hold the Fort for I am Coming" for those use military terms). He had known Dr. Olson and followed him. Dr. Olson talked with him about the Socialist party. There were too many politicians in it and they wanted to organize a "Left Wing of the Socialist Party so they could go to Chicago and control the convention." The "Left Wing" is always the crowd that is out of power and they wanted to organize a "Left Wing" so they could go up there and become the "Right Wing" and then the others would be "left". Well, he went to Chicago; there was a split in the Convention and they organized the "Communist Labor Party". The Communist Party, Mr. Person thought, was too radical for him, so he joined the Communist Labor Party. When he came back Dr. Olson told Mr. Person all about it. Here was a doctor, gentlemen, doctoring the defendant's sick wife. Oh, what's the use? You all know about it. There are people in this world who stand in a position of the most absolute trust. You know it. People learn to put their trust in them. Now I can't speak quite from your standpoint because I had a better chance in this world than most of you gentlemen of this jury; but the ordinary man who has nothing to do but work learns to put confidence and trust in certain men in certain professions. Any question about it? If you don't do that yourselves, why, alright. I will just appeal to yourselves. Here is your lawyer, to whom you go with your troubles and your money and you tell him everything and ask his advice (perhaps his advice isn't any better than your own) but you ask him and trust him. You who are church members go to the minister with your troubles, you go to the teachers, we all do, and we give them credit maybe for more than they know, but it is a position of confidence and trust that we all have and society couldn't be organized in any other way,

gentlemen. We have to trust somebody, you go to your doctor, you believe that he is wise in curing your ills and you also believe he is wise in everything else. He is a man you have respected and looked up to. You go to him. Is there anybody who doesn't? And here was Dr. Olson, in whose charge the defendant had placed the dearest and most important thing to him in life, he placed the health of his wife. I am not apologizing for what Dr. Olson told him, I am just telling you what the facts are in this case that are absolutely undisputed. He had been there with his wife whom he was trying to take care of. Dr. Olson advised not only Person but his wife to join the Communist Labor Party. He told them that it was a good party (by the way Person isn't the only offender in this case, the evidence shows that his wife is under indictment here also. I don't know why they discriminate against the children) they ought to send back this entire brigade to bring in the children and put them in jail. True, they are only from 11 to 5 but that wouldn't make any difference with the people who are anxious to send this man to prison because they know nothing of mercy, they know nothing of the common feelings of humanity, they care nothing for that, they have got a job. Better go back and get the children.

Well, he went there and Dr. Olson asked him to join the Communist Labor Party and he joined. Are you going to send him to prison for that reason? Alright, alright, gentlemen. But if you send everybody to the penitentiary who is as innocent as Person there won't be anybody outside or anybody left to do your job, there will be nothing left in America but the State's Attorney's and detectives, that is all.

He joined this party, just as most of us join everything, because somebody whom he respected and looked up to and had followed asked him to do it. Gentlemen, I am almost ashamed to argue this question to you 12 men. It seems to imply that I think there is need to argue it; but that is a reflection on the conscience and the brain and the heart of you jurors; taking this poor man as if he was a burglar, going with a revolver into your home; as if he was a highway man, holding you up on the street, as if he was a murderer cutting the throat of his fellowman. He acted as you would, you jurors, under the same circumstances of your life, and his greatest sin is that he was trying to make it better for his fellowman. He told Dr. Olson he would join. He joined the Local. He went to the doctor's office where they held two or three meetings. He kept the minutes, or rather his wife kept the minutes; his sick, criminal wife kept them in a brown book (the brown is almost red, not quite, but almost) these contain the pitiful expenditures of a few people who were giving their meager money for a cause which with their vision (that might have been distorted) they looked at as a cause that would sometime grow great in power until it would liberate the human

race. It may be a fool dream; perhaps all of our ideals and our hopes are fool ideals and hopes, perhaps the human race is destined for nothing better than it has always known; for an eternal struggle in war and peace; for sorrow, for rich and poor; for everlasting contention; for prisons and jails and prosecutors and detectives. Perhaps that is the best the human race can ever get, but if here and there a man or woman has a vision of something else, that the world can be made better and that our weak human nature can be changed and that instead of being wolves fighting for what we can get, there will come a time when the human race will be better and each seek the highest good of all; if men can have that vision it should be cherished because it makes them live in a glorious dream. It is a great delusion to have and it has led men through tribulations and sorrow. It has been a "cloud by day and a pillar of fire by night" to lead many people through the wilderness. That was the dream of these seven ordinary men who, like the poor fishermen who first gathered around Jesus, saw in the preaching of His gospel something that would some time resurrect the world. This was their dream and their faith and they gathered their pennies and when this wonderful detective swooped down on them and this great Attorney General of the United States, pulling the strings all over the United States, swooped down on others, and they found in some city far off the application for a Charter for this poor, little Communist Labor Party of Rockford, they found it had in its treasury 30 cents; 30 cents, great God, gentlemen, you who sit in high places and are worried, you who would grab your gold and hold it tighter for fear of the Communist Labor Party; behold a party of seven obscure people going out to conquer the world with 30 cents.

I confess there are a great many things about capitalism that I don't like and never have. I confess that I don't like the mad scramble for wealth; gold isn't all. I confess I don't like this enthronement of property above everything else on earth. I probably have feared it too much. I know I have feared it too much when I think capital can be scared to death by 30 cents. That is all they found. Now, what did these people do? Talked and dreamed—meetings open—strangers could be present, they talked and dreamed just as all these poor idealists have always done. The dreamers' lives have been pathetic and their deaths sorely tragic. They have seen something that the common man hasn't seen. That's all. And woe to him who has a vision that the rest cannot behold, for he is judged by his age and his time, and if he sees something the rest do not see he is a criminal. Through all the ages these poor souls have furnished the victims for the scaffolds, they have filled the prisons and the jails, they have been outlawed and slandered and abused because they had these dreams.

Is there anything else to it? They held their little meet-

ings down at his house, probably easier for his wife to attend them there than to go to the doctor's office and they still kept their minutes in the brown book until the day the officers swooped in on them and found—nothing—nothing.

Now, gentlemen, I haven't the time to analyze fully this Communist Labor platform. There is nothing in this case but the platform; and I insist again it contains no word of violence, no exhortation to violence. It is absolutely lawful and they had a right to make it. Brother Large has talked to you about "confiscation". There is no word of "confiscation" in it but if the word "confiscation" was written all over it in red it would be legal. What are they talking about? Is the right of property sacred? Why, to hear men talk you would think there was only one sacred thing on earth, and that is money. Human liberty is of no avail, life is of no avail, there is one thing to protect and that is cash, and the dollar mark should be enthroned over every Court of Justice and over every institution in the land. A man has as much right to advocate the taking of property, land, railroads, houses and everything else without a dollar of compensation as he has to recite the Golden Rule. Just as much. Let me show you. The Constitution of the United States, in which we used to believe, tells us how we may do it. Congress tomorrow could pass a law taking over the railroads, farms and factories for nothing, barring one thing—and that is the constitutional provision which says you cannot take private property without paying for it. But the people have the right to change that constitutional provision whenever they wish. They have a right to get rid of it. And Congress then has a right to make a law and you needn't go beyond the ballot to take every dollar's worth of property there is in the United States, and make common property of it. There can be no question about that, every lawyer knows it, and every well informed man knows it. Are you to indict and try a man because he joins a party that believes that private property should be public property? Why, here is the single tax party founded upon the doctrines of Henry George, a book which sold into the millions all over the United States and no scholar's library would be complete without it; a book which has been translated into every language on earth and a party which numbers amongst its followers members of Congress, members of Parliament, judges, men in high places all over the world, and the fundamental doctrine of this book is that land should be public property and not private property. And not only that, but that it should be taken from the present owners without pay. Did anybody ever try to send Henry George to jail? Why, I suppose if Henry George's spirit would come here into this room in Rockford the State's Attorney would indict it. And yet his works and his thought have influenced most of the thinking persons of the earth. All the book publishers in the United States who could publish it, and

it was read by the millions. Everybody knows it who pretends to be informed—possibly the State's Attorney knows it too.

How do single taxers propose to get it? In two ways:—One way is by taxing its value out of existence, which they can do, and another is by changing the constitution and voting it out of existence. And tell me that it is criminal, tell me that it is criminal to say that we should make private property public property. No judge will tell you that, this judge will not tell you that, it is utterly absurd. It would be criminal to form a party to take it by force or by violence and that is all. And if you are to say that any man does it that way then you should point clearly to the provision under which he does it.

Now, gentlemen, I want to say a few words in excuse for these officers and the State's Attorney for they are like the rest of us. The world has just been through a great war. The world has been crazy; all of us. As strong-minded as I am, I have been more or less crazy about it, so of course I know the rest have been. No man believed more in this war than I did. Nobody worked harder so far as he could than I did. True, I didn't go out and get shot, I am like these wonderful officers that raided Mr. Person's house, I played safe; but the world has been upset as it never was before. New ideas have come to the surface and it is right that this should be. I don't know what may happen, but I do hope that this world will never be the same as it was before. I hate to think that we would go through all the loss of blood, to say nothing of the loss of property which can never be made good, I would hate to think that the world could go through the Hell of the last four or five years and nothing come of it. I have been one of those dreamers who have felt that from the fire and the smoke and the ashes of the battle fields of Europe there might arise a fairer, a better, and a juster civilization than this world has ever known; that out of the infinite sufferings of the human race men might grow kinder and more humane and give a better chance to the common man. I have believed it; I am one of those who felt in the first impulse of the war that it was a great fight to be waged against autocracy and for the common man and that out of it all the common man should emerge with a better chance in life. That is what I have thought and what I have hoped. I thought almost as my poor client did when he made his confession in the automobile to this valiant band. He said "I believe in a government for the working people, or of the working people". (The officer wasn't sure which.) It was almost the exact language which Abraham Lincoln used when he said he believed in a government of all the people and for all the people, because the working people are the great mass of men, and I expect Lincoln would be here, too, under indictment if he were living now and should talk. I believed that something bet-

ter would come to the world and I have still not lost faith that the poor and oppressed all over the earth will have a chance to try to better their conditions. New parties were formed all over the world; and then money, wealth, greedily as ever, learning nothing by all the sorrow of the world, said "no, all of our privileges must remain, nothing shall be gained by the war for all the blood that has been shed and whenever a man dares to raise his voice for new conditions or for a better world, we will send him to jail."

That is the origin of this statute. When was it passed? Just about a year ago. We wiggled along for 150 years with no such law and we did pretty well, 150 years, with no such law. Where did it come from? It came from the people who would strangle criticism; it came from the people who would place their limits upon your brain and mine; and if we give them their way in this world, every man, if he would be safe, should wear a padlock on his lips and only take it off to feed himself and lock it up after he gets through. No man would dare speak above a whisper, no man would feel himself safe to belong to an organization whether it was for American freedom, Russian Freedom, Irish Freedom, or any freedom, because the word "freedom" is the most dangerous word that the English language knows.

Now, I fancy, gentlemen of the jury, that the Court will tell you what the law is, and tell you so plainly that there can be no mistake about this case, and I fancy there couldn't be, anyhow.

Assuming that there is something in this platform that called for force and violence against Governments or for a violation of law, then what? The Court will tell you that before this defendant can be convicted because he belonged to an organization that advocated violence, he must have known the purposes of that organization. I fancy he will tell you that. That is the law and I fancy he will tell you. Did the defendant know it? Why, you heard him on the witness stand. Some of you gentlemen might possibly think that he was wiser than he seemed to be.

Now, you gentlemen, if you ever want to bother with it, which I trust you wont, because this jury ought not to leave their seats before they liberate a man as innocent as my client and against whom there isn't a breath—but if you want to bother with it, take this platform into your room and read it and see how many of you can understand it. See how many of you can understand it better than he understood it. Not one of you, probably, possibly one or two of you. It is doubtful if many of you can, and many of you have had better opportunities than he has had. Students, lawyers, men well skilled in political economy will quarrel about the meaning of many of these phrases which are as old as political economy. You

know, gentlemen, all the evidence shows that he joined the organization upon the advice of the man who had led him; he joined it because he believed in uniting political action and industrial action, which sometime the work man will learn how to do. He was quite right in saying that trade unionism is good but it would be stronger if they used their mighty power to change the laws and institutions of the land so there would be a better chance for every man who toils. He is quite right in saying that voting won't do it alone. The working man who thinks that this alone will do it must have forgotten the great good that has come to every man through trade unions. The great good in raising wages and shortening hours and building up a class feeling among the working men so they will stand together.

Person had a vision of a great, growing party, where industrial and political action should be united and where men could not only stand together as workers but as citizens and bring about better legislation. Those are the things he believed that we should have. That is what he saw and I prophesy that one day will come when these powerful trade unions are awakened to their strength and possibilities, and duties. They will do what they are today doing in England, get a political program to bring about some change which will be not only good for the poor but good for the rich as well, and, above all, be good for our common land. That is what he thought. He thought no word of violence. He understood very few of those economic terms, as you will understand, very few; and the Court will tell you, gentlemen, that he must have known that it was organized for violence or he couldn't be guilty in this case.

Now, gentlemen, I have talked a long while about this case. I am almost ashamed of it because I say as I said several times before it is so simple, it is so plain, that I have never imagined for a single moment that if my lips had been dumb and that this poor man could have come here unassisted by counsel to tell his story in this Court, there could have been no question as to what twelve jurors would do, and I don't doubt it now; but I just want to say a few more words and then I am through. I feel deeply the importance of this case; my heart goes out to this defendant. If he were a midnight marauder, if he were a man who reached into your pocket and got your money, if he were a man who would cut your throat, I would feel differently. But a man who is charged with crime for his idealism, a man who is charged with crime for doing something which you and I should do, such a man should be left free to do it. No man has any brain or vision who doesn't wish the country was better than it is. I would rather live here than anywhere else, but I believe I am a better patriot if I try to make it better instead of taking it as it is; and I know the enemies of liberty are always active

and vigilant, and the friends of freedom should be active and vigilant, too.

I know that the enemies of this Republic are not the working men who give their lives and strength and their blood in the interests of wealth; these workers out of whose lives is spun the gold that makes the arrogance and the greed of America, as the spider spins his web from his body. I am for them. The danger to this country is not from them. It is from those who worship no God but greed; it is from those who are so blind and devoted to their idol of gold that they would destroy the constitution of the United States; would destroy freedom of speech and the freedom of the press. That would paralyze the human brain; that would awe the human mind, that would threaten with jail and imprisonment every man who dares think, who dares hope, and I trust there will never come to me a time in my life, no matter what the reward might be, when I will hesitate to lend such strength and such courage and such power as nature gave me, to the defense of the weak, or the poor, of those who spin in darkness that other men may be clothed. Person is one of these workers and that is all and if he has offended the strong and the great, shame upon them; it only shows their consciousness of guilt.

Gentlemen, I am about to leave this case with you. I feel I can safely leave it with you. You know what this fight is, you know why this fight is. You know in your hearts and your inmost soul, that it is an effort to strangle free thought and free speech and the right of man to live. It is brought through cowardice and fear; it is brought because men are afraid of the clear light of day; because they would rather be profiteers and get their gold and dare every man to raise his voice against them; because they would threaten him with the dungeon and with the scaffold if he dared hope and dared think. It is an old fight, ages old. The end is not here and not now and the man who does not see it and understand it and know it is recreant to his trust and to his class.

Gentlemen, it is wonderful, the power of greed; I have fought this battle for many years in my own way; I have tried to do it kindly. I have never condemned the individual man. I recognize that the captains of industry are made of the same stuff that I am. I know that this mad fever has possession of them and they brook nothing that stands between them and their gold. I know that they would destroy liberty that property might live. It isn't the poor and despised alone but here and there all through the ages men of clear vision and strong intellect and fine imagination have raised their voices to this cause for which I speak today. I want to call your attention to a man who was not a bolshevist, whatever bolshevist may be. He was not a Communist or an Anarchist or an I. W. W. or a Socialist. He was a great big human man, a man of genius, a man who loved America, a man who was

made Ambassador to England by one of our greatest Presidents; but a man who saw this vision and dream before him as I feel that I see it now. I want to quote James Russell Lowell's poem "A Parable" which shows what has become of the Christian civilization which we profess.

Said Christ our Lord, "I will go and see
How the men, my brethern, believe in me."
He passed not again through the gate of birth,
But made himself known to the children of earth.

Then said the chief priests, and rulers, and kings,
"Behold, now, the Giver of all good things:
Go to, let us welcome with pomp and state
Him who alone is mighty and great."

With carpets of gold the ground they spread
Wherever the Son of Man should tread,
And in palace-chambers lofty and rare
They lodged him, and served him with kingly fare.

Great organs surged through arches dim
Their jubilant floods in praise of him:
And in church, and palace, and judgment-hall,
He saw his own image high over all.

But still, wherever his steps they led,
The Lord in sorrow bent down his head,
And from under the heavy foundation-stones,
The son of Mary heard bitter groans.

And in church, and palace, and judgment-hall,
He marked great fissures that rent the wall,
And opened wider and yet more wide
As the living foundation heaved and sighed.

"Have ye founded your thrones and altars, then,
On the bodies and souls of living men?
And think ye, that building shall endure,
Which shelters the noble and crushes the poor?"

With gates of silver and bars of gold
Ye have fenced my sheep from their Father's fold;
I have heard the dropping of their tears
In Heaven these eighteen hundred years."

"O, Lord and Master, not ours the guilt,
We build but as our fathers built;
Behold thine images, how they stand,
Sovereign and sole, through all our land.

Our task is hard,—with sword and flame
To hold thine earth forever the same,
And with sharp crooks of steel to keep
Still, as thou leftest them, thy sheep."

Then Christ sought out an artisan,
A low-browed, stunted, haggard man,
And a motherless girl, whose fingers thin
Pushed from her faintly want and sin.

These set he in the midst of them,
And as they drew back their garments-hem,
For fear of defilement, "Lo, here," said he,
"The images ye have made of me!"

Gentlemen, Arthur Person is a common man; an ignorant man in the language of the world, but one of that class upon whom the foundations of society rests. Every captain of industry may die and the world at least will be no worse. Every worshiper of gold may go his way and people will survive; but the foundations of civilization and the security of the state and the welfare of man is built upon the bodies and the souls of men like Person. I fancy, gentlemen, that if the wandering star of Bethelhem, which is said to have passed over the Scribes and Pharesees in the Temples of the money changers of Judea and stopped above the roof that sheltered the manger where was born the child of a working girl, I fancy that if that wandering star should come to Rockford it would be likely to pass over the Chamber of Commerce, the banks, and the captains of Industry and halt for a moment above the humble home of this defendant and his brood.

There was a time in the State of Illinois when they mobbed Owen Lovejoy because he spoke for the freedom of the slaves. Every movement has its martyrs as every religion has its crucified savior; and the people we stone to death one day are the ones we worship another. And so the world goes on. This man is obscure, he is unknown, he is poor, he has worked all his life, but his case is one that reaches down to the foundation of your freedom and to mine. I appeal to you, gentlemen, for this man and his little family whom they in their blindness would destroy, but I appeal to you more for the fair fame of this community in which you live. If twelve men should say that they could take a man like him and send him to prison and destroy his home; a man who is guiltless of crime and whose only stain is that he loved his fellow men; if twelve men like you should say that they would take him from his home and send him to Joliet and confine him behind prison walls you should hang this court house in crepe and drape your city hall with black and wear sack cloth and ashes until his term expires.

INSTRUCTIONS GIVEN

The People vs. Arthur Person, filed April 24, 1920, Lewis F. Lake, Clerk.

The Court instructs the jury, in the language of the statute, that it shall be unlawful for any person to organize, aid in the organization of, or become a member of any society or association, the object of which is to advocate the reformation or overthrow of the existing form of government, by violence or any other unlawful means.

The jury are instructed that in the language of the statute, a crime consists of an act coupled with an intent, and even though you may believe that the Communist Labor Party was an organization, whose object was the reform or overthrow of the existing form of government, by violence or other unlawful means; still unless you further believe from the evidence, beyond all reasonable doubt, that the defendant, Arthur Person, knew that such was the object of the society, at the time he became a member thereof, or aided or assisted in its organization, knowing that said party advocated the change or reformation by violence or unlawful means, then you should find the defendant not guilty.

The jury are instructed that the law clothes every one charged with crime, with a presumption of innocence, and that you are to presume the defendant innocent of the crime charged, and that such presumption remains with him, and is to be borne in mind, in the consideration of every material fact in this case, until such time as you are satisfied beyond a reasonable doubt, that the defendant is guilty, and unless it is so overcome you should find the defendant not guilty.

The jury are further instructed that the presumption of innocence is not a mere form to be disregarded by the jury at pleasure, but is an essential substantial part of the law of this state, and binding upon the jury in this case; and it is the duty of the jury to give the defendant in this case the full benefit of this presumption, and to acquit him, unless they feel constrained to find him guilty of the crime charged, by the law of the land and the evidence in this case, convincing them of his guilt, as charged, beyond all reasonable doubt.

The Court instructs the jury that the rule of law which clothes every person accused of crime with the presumption of innocence, and imposes upon the State the burden of establishing his guilt beyond a reasonable doubt, is not intended to aid anyone who is in fact guilty of crime to escape, but is a humane provision of the law, intended, so far as human agencies can, to guard against the danger of any innocent person being unjustly punished.

The Court instructs you that the defendant is a competent witness in his own behalf, and you have no right to

disregard or discredit his testimony from caprice or merely because he is defendant.

You are to treat him the same as any other witness, and subject him to the same tests as are legally applied to other witnesses and only the same tests, and while you have a right to take into consideration the interest he has in the result of the trial, you have also the right and it is your duty to take into consideration the fact, if such is the fact, that he has been corroborated by other credible evidence or by facts and circumstances shown at the trial.

The Court instructs the jury, that the defendant, Arthur Person, having become a witness in his own behalf, at once became the same as any other witness, and his credibility is to be tested by, and subjected to the same tests as are legally applied to any other witnesses, and in determining the degree of credibility that should be accorded to his testimony the jury have the right to take into consideration the fact that he is interested in the result of the prosecution, as well as his demeanor and conduct while upon the witness stand; and the jury may take into consideration the fact, if such is the fact, that he has been contradicted by other witnesses; and if, after considering all the evidence in the case, the jury finds that any witness has willfully and corruptly testified falsely to any fact material to the issue in this case, you have the right to entirely disregard his testimony, excepting in so far as his testimony is corroborated by other credible evidence or facts and circumstances proven in evidence in the case.

Under the law, no juror should guess away the liberty of a defendant or convict him upon doubtful or unsatisfactory evidence, or because there is a preponderance of the evidence against him, or because there is a strong reason to believe that he is guilty. The burden of proof is upon the prosecution, and in order to justify you in convicting the defendant, the evidence must satisfy you of his guilt as charged in the indictment beyond all reasonable doubt, and to a moral certainty. If after an impartial and unbiased consideration of all the evidence in the case, you entertain a reasonable doubt of the guilt of the defendant herein, then the law makes it your duty to acquit him.

The Court instructs you that it is the duty of the prosecution to prove every material allegation of the indictment or some count thereof, as therein charged. Nothing is presumed or taken by implication against the defendant, the law presumes him innocent of the crime with which he is charged until he is proven guilty by competent evidence beyond all reasonable doubt. And if the evidence in this case leaves upon the minds of the jury any reasonable doubt of the defendant's guilt, the law makes it your duty to acquit him.

A reasonable doubt is that state of mind, which, after a full comparison and consideration of all the evidence, both for

the State and Defense, leaves the minds of the jury in that condition that they cannot say that they feel in abiding faith amounting to a moral certainty, from the evidence in the case, that the defendant is guilty of the charge as laid in the indictment. If you have such doubt, if your conviction of the defendant's guilt of the crime as laid in the indictment, does not amount to a moral certainty from the evidence in the case, then the court instructs you that you must acquit the defendant.

The Court instructs the jury, as a matter of law, that the doubt which the juror is allowed to retain in his own mind and under the influence of which he should frame a verdict of not guilty, must always be a reasonable doubt. A doubt produced by undue sensibility in the mind of any juror in view of the consequence of his verdict, is not a reasonable doubt; and a juror is not allowed to create sources or materials of doubt by resorting to trivial and fanciful suppositions and remote conjectures as to possible states of fact different from that established by the evidence. You are not at liberty to disbelieve as jurors, if, from the evidence, you believe as men. Your oath imposes on you no obligation to doubt, where no doubt would exist if no oath had been administered.

The Court instructs the jury, that in considering the case the jury are not to go beyond the evidence to hunt up doubts, nor must they entertain such doubts as are merely chimerical or conjectural. A doubt to justify an acquittal must be reasonable, and it must arise from a candid and impartial investigation of all the evidence in the case, and unless it is such that, were the same kind of doubt interposed in the graver transactions of life, it would cause a reasonable and prudent man to hesitate and pause, it is insufficient to authorize a verdict of not guilty.

If after considering all the evidence you can say you have an abiding conviction of the truth of the charge, you are satisfied beyond a reasonable doubt.

The Court instructs the jury that if you believe from the evidence in this case beyond a reasonable doubt that the defendant, Arthur Person, became a member of the society or association mentioned in the indictment, and that the object of said society or association then and there was to advocate the reformation or overthrow of the existing form of Government of the United States of America by violence or other unlawful means in manner and form as charged in the indictment or any count thereof, and that the defendant at the time had knowledge of such object, then the law is the defendant is guilty in manner and form as charged in the indictment, and you should so find.

The Court instructs the jury, as a matter of law, that it is necessary to constitute the offense charged in this case, to

show that the defendant had knowledge and knew at the time in question that the object of said society or association then was to advocate the reformation or overthrow of the existing form of government by violence or other unlawful means, as charged in the indictment, if you further believe from the evidence beyond a reasonable doubt that such was the object of such society or association. But the Court further instructs the jury that direct and positive testimony is not necessary to prove such knowledge. It may be inferred from the facts and circumstances shown by the evidence, if there are any facts and circumstances proven in evidence which satisfy the jury beyond a reasonable doubt of its existence.

The Court instructs the jury that words and phrases used in the statute and in this case are to be given their ordinary and accepted meanings, and as to some of such words the Court further instructs you as follows:

That the words to "to advocate" are defined to mean "to plead in favor of; to defend by argument, before a tribunal or the public; to support, vindicate, or recommend publicly";

That the word "violence" is defined to mean "abuse of force; that force which is employed against common right, against the laws, and against public liberty"; and

That the words "unlawful means", means such means as partake of criminality, or are contrary to existing law.

And the Court further instructs the jury as to the meanings of certain words and phrases used in certain documents in evidence and in this case, as follows:

The word "Manifesto" is defined to mean "A public declaration, usually of a prince, sovereign, or other person claiming large powers, showing his intentions, or proclaiming his opinions and motives in reference to some act done or contemplated by him";

The word "Proletarian" is defined to mean "One of the wage-earning class; especially a laborer for day wages not possessed of capital";

The word "Proletariat" is defined to mean "The class or body of proletarians";

The word "Dictatorship" is defined to mean "The state of one in whom is vested supreme authority in any line; of one who rules as dictator and of one who prescribes for others authoritatively.

And that the phrase or expression "Dictatorship of the proletariat" means simply, a dictatorship (as the word is defined) by the proletariat (as said word "proletariat" is above defined).

The jury are instructed that the platform and program of the Communist Labor Party offered in evidence herein, must be read and construed as a whole, and not by any particular clause or sentence contained therein; and even though you may believe from the evidence that there may be clauses or

- sentences contained in said platform or program, which might indicate an intent to use violence or other unlawful means; still unless you believe, beyond a reasonable doubt that the platform and program construed as a whole, show that the object of such Communist Labor Party was to advocate the reformation or overthrow of the government, by violence or other unlawful means, and unless you further believe beyond a reasonable doubt, that the defendant, Arthur Person, at the time he assisted in its organization or became a member thereof knew that such was the object of said party, you must find the defendant not guilty.

In considering evidence of defendant's good reputation the jury are instructed such good reputation may of itself, raise in the minds of the jury, a reasonable doubt of defendant's guilt. The evidence of such good reputation is to be regarded as a substantive fact. Like any other fact, it is positive evidence and should be so considered by the jury. In this case, if the jury believe from the evidence the defendant has always, prior to the time of his arrest on the charge contained in the indictment, borne a good reputation as a law-abiding citizen, it is the duty of the jury to consider such evidence of good reputation, together with all the other evidence in the case and if upon a consideration thereof you have any reasonable doubt of the defendant's guilt, it is your duty to find him not guilty.

The Court instructs the jury, as a matter of law, that the defendant has put in evidence his general reputation for peaceableness and as a law-abiding citizen; that such evidence is permissible under the law, and is to be by the jury considered as a circumstance in the case. But the Court further instructs the jury that if from all the evidence in this case, they are satisfied beyond a reasonable doubt of the guilt of the accused, then it is the duty of the jury to find him guilty, notwithstanding the fact that heretofore the accused has borne a good reputation for peaceableness and as a law-abiding citizen.

When a defendant's conduct may consistently and as reasonably from the evidence, be referred to one of two motives, one criminal and the other innocent, it is your duty to presume that such conduct is actuated by the innocent motive and not the criminal.

You are further instructed that if you can reasonably reconcile the evidence in this case upon any other theory than that the defendant is guilty, then it is your duty to do so, and by your verdict to find the defendant not guilty.

The Court further instructs you that you are not at liberty to adopt unreasonable theories or suppositions in considering the evidence in order to justify a verdict of conviction of the defendant, but if any reasonable view of all the evidence is or can be adopted which admits of a reasonable con-

clusion that the defendant is not guilty as charged in the indictment, or which raises and sustains a reasonable doubt in your mind of such guilt, it is your duty to adopt such view of the evidence, and find the defendant not guilty.

The jury are instructed that even if they believe from the evidence that the defendant, Arthur Person, aided and assisted in the organizing, or was one of the organizers of the Rockford Branch of the Communist Labor Party, that this would not constitute, make, aiding or assisting on organizing the Communist Labor Party of the United States, as charged in the indictment.

Even though you may believe that the defendant helped to organize a party, or became a member of a party which advocated the reform, change or overthrow of the government, and the substitution of communism for the present government, still you shall find him not guilty, unless you are further satisfied from the evidence beyond a reasonable doubt, that such organization or party advocated a change, reform or overthrow of such government by force or violence, or other unlawful means; and unless you further find beyond a reasonable doubt, that the defendant, Arthur Person, knew that such society advocated such change by violence or other unlawful means, at the time he became a member thereof, and unless you so believe, you should find the defendant, Arthur Person, not guilty.

The jury are instructed that it is no offense under the law of this state to join any party whose purpose is to reform, change or overthrow the Government, or to advocate, or join or organize a party which advocates the abolition of the present form of production, and the substitution of socialism or communism, in its place, provided such advocacy or such organization does not seek such reform, change or overthrow, by the use of force, violence, or any other unlawful means.

The Court instructs the jury that it is not proper for counsel in a case to state anything in argument bearing upon the question of fact and claimed to be within his personal knowledge or which may have been stated to him by others not witnesses in this case. You are therefore instructed to disregard such statements, if any have been made, and to make up your verdict upon the evidence actually given in the case, without placing any reliance upon or giving any consideration to any statements of counsel not supported by the evidence.

In determining any of the questions of fact presented in this case you should be governed solely by the evidence introduced before you.

The jury are further instructed that if you find the defendant guilty on any one or more counts, you must specify the count or counts upon which you so find him guilty, and the count or counts upon which you do not find him guilty,

unless you should find him guilty under all of the counts in the indictment.

The Court instructs the jury as to the form of your verdict, as follows:

If you find the defendant guilty in manner and form as charged in the indictment, then the form of your verdict may be:

“We, the jury, find the defendant, Arthur Person, guilty in manner and form as charged in the indictment. We further find from the evidence the defendant’s age to be.....years.

(Inserting in the blank the defendant’s age.)

If you find the defendant guilty in manner and form as charged in any one or more count or counts, and less than all of the counts, of the indictment, then the form of your verdict may be:

“We, the jury, find the defendant, Arthur Person, guilty in manner and form as charged in the

(Here inserting the number or numbers of the count or counts of the indictment of which you find him guilty. count.....of the indictment).

“We further find from the evidence the defendant’s age to be.....years.”

(Inserting in the last blank the defendant’s age.)

If you find the defendant not guilty, then the form of your verdict may be:

“We, the jury, find the defendant, Arthur Person, not guilty.”

